

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

ROBERT WASMER,)	
)	
Plaintiff,)	
)	Case No.:
v.)	
)	
SAFECO INSURANCE COMPANY OF)	
AMERICA,)	
)	
Defendant.)	

NOTICE OF REMOVAL

COMES NOW Defendant, Safeco Insurance Company of America, by and through the undersigned counsel, and files this Notice of Removal of the above-captioned action to the United States District Court for the Western District of Missouri, pursuant to 28 U.S.C. §§ 1441 and 1446 and 28 U.S.C. § 1332 and the grounds therefore are hereby stated as follows:

1. On September 25, 2020, Plaintiff filed a Petition in the Circuit Court of Jackson County Missouri at Kansas City, naming as defendant Safeco Insurance Company of America. (*See Exhibit A.*) The nature of the dispute between Plaintiff and Defendant concerns Plaintiff's claim against Defendant for uninsured motorist benefits under policy Z4291618 related to an automobile accident of June 5, 2019.

2. Plaintiff served his Petition on the Missouri Department of Commerce and Insurance on October 14, 2020 and subsequently CSC was served on October 19, 2020.

3. With respect to Plaintiff's claims against Defendant, the Petition alleges claims for uninsured motorist benefits, breach of contract and vexatious refusal to pay.

4. Complete diversity jurisdiction exists and removal of this matter to the United States District Court for the Western District of Missouri would be proper pursuant to 28 U.S.C. §§ 1332, 1441 and 1446:

- a. Plaintiff, at the time this action commenced and ever since, is a resident of the State of Missouri.
- b. Defendant Safeco Insurance Company of America, at the time this action was commenced and ever since, is incorporated under the laws of the State of New Hampshire and maintains its principal place of business at 175 Berkeley Street, Boston, Massachusetts.
- c. The matter in controversy, exclusive of interests and costs, exceeds the sum or value of Seventy-Five Thousand Dollars (\$75,000.00) in that Plaintiff's Petition claims that Defendant breached its contract with Plaintiff, alleges vexatious refusal to pay, and is seeking the uninsured motorist limits under policy Z4291618, which is \$300,000.00 per accident.

5. Because complete diversity of citizenship exists between Plaintiff and Defendant in this suit, and because the amount of controversy in this action exceeds the sum of Seventy-Five Thousand Dollars (\$75,000.00), removal to this Court is proper pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

6. The Notice of Removal has been filed within thirty (30) days of service on Defendant of Plaintiff's Petition setting forth the claims which it seeks to remove, and, therefore, this Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446.

7. The Notice of Filing of Removal (without exhibits), being filed with the Circuit Court of Jackson County, Missouri at Kansas City, is attached hereto as Exhibit B.

8. Defendant attaches herewith a copy of all process, pleadings, and orders relevant hereto as Exhibit A.

WHEREFORE, Defendant Safeco Insurance Company of America respectfully requests that this Court accept jurisdiction of this action.

Respectfully submitted,

/s/ Oscar P. Espinoza
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was sent by electronic mail this 12th day of November, 2020 to:

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ATTORNEYS FOR PLAINTIFF

/s/ Oscar P. Espinoza
Oscar P. Espinoza